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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,986	02/14/2001	Stephen E. Moorman	00242.00014	9562

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EXAMINER

CASTELLANO, STEPHEN J

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,986

Applicant(s)

MOORMAN ET AL.

Examiner

Stephen J. Castellano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 33-45 have been renumbered as claims 32-44, respectively. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Collapsible Container with Hinged Side Walls Having Latching and Aligning Capability.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 13-16, 19, 20, 22-26, 31, 32, 37-40 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Foy et al. ('255) (Foy).

Foy discloses a collapsible container with a base and hinged side walls and end walls, corresponding latching members (90) shown in Fig. 9 and 10, corresponding locking system (68, 84, 86 and 88) and corresponding aligning system (68, 86, 88).

Claims 1, 5, 6, 16, 19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Overholt et al. ('056) (Overholt).

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~~Overholt~~
Foy discloses a collapsible container with a base and hinged side walls and end walls, corresponding latching members (66, ⁷⁶~~67~~), corresponding locking system (86, 88) and corresponding aligning system (82, 84).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 35, 36 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foy ('255).

Foy discloses the invention except for the exclusion of hinge support members and receiving members between the two outermost hinges. It would have been obvious to remove the intermediate hinge components should the strength of the two outermost hinges be deemed to be strong enough to carry the full load of the side wall or end wall.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Overholt ('056).

Overholt discloses the invention except for the exclusion of hinge support members and receiving members between the two outermost hinges. It would have been obvious to remove the intermediate hinge components should the strength of the two outermost hinges be deemed to be strong enough to carry the full load of the side wall or end wall.

Claims 7-9, 11, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foy ('255) in view of Lessard.

Foy discloses the invention except for the biased panel. Lessard teaches biased panel (36, 38, 46). It would have been obvious to modify the latching member to include a biased panel in

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order to make it easier to latch the side and end walls at their corner juncture with a biased panel latch on one wall which will snap acting latch to engage the catch member on the adjacent wall and making it possible to latch the walls without touching the latch, the latch is engaged through manipulation of the walls, only.

Claims 10, 12, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foy ('255) in view of Lessard as applied to claims 7, 11 and 27 above, and further in view of Overholt ('056).

The combination discloses the invention except for the deformation prevention member. Overholt teaches a deformation prevention member as the wall behind the biased panel latch (83). It would have been obvious to add a wall behind the biased panel latch in order to prevent the latch from being pushed beyond the point of breakage.

Claims 17, 18, 33, 34, 41, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foy ('255) in view of Foy ('065).

Foy ('255) discloses the invention except for the stacking projections. Foy ('065) teaches stacking projections (62, 66, 68). It would have been obvious to add stacking projections in order to provide lock surfaces for preventing shifting movement that could topple a stack of containers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 703-308-1035. The examiner can normally be reached on M-Th 6:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703-308-2572. The fax phone numbers for the


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organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.


Stephen J. Castellano
Primary Examiner
Art Unit 3727

sjc
July 23, 2002